IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2166 OF 2007

Francis D'Souza .. Petitioner

versus

Reliance Energy Ltd. and two others ...

Respondents

Mr. R.S. Maravoor, instructed by M/s. M.Wamorkar & Co., for the petitioner.
Mr. Satish Kamat for respondent No.1.

CORAM: **SWATANTER KUMAR, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **OCTOBER 22, 2007**.

P.C.

Heard the learned counsel appearing for the parties.

2. The only grievance of the petitioner is that the Chief Engineer (Electricity), P.W.D. Department, Govt. of Maharashtra, has not allowed the petitioner to lodge his appeal filed under Section 127 (1) of the Electricity Act, 2003, on the ground that it is filed beyond the period of limitation.

3. In the circumstances of the case, in our opinion, following order will meet the ends of justice.

> "If the Petitioner deposits an amount equal to one third of the assessed amount as required by Section 127 (2) of the Electricity Act, 2003, the respondents are directed to permit the petitioner to lodge his appeal and pass appropriate orders thereon within a period of six weeks from the date of lodging of the said appeal."

4. We make it clear that all contentions, including the contention regarding limitation, are kept open.

Petition is disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.